

By: Cain

H.B. No. 4446

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a program to provide certain children with character
3 development opportunities, career advancement assistance, and
4 access to certain extracurricular and wellness services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle I, Title 4, Government Code, is amended
7 by adding Chapter 543 to read as follows:

8 CHAPTER 543. OPPORTUNITY AND ASSISTANCE PROGRAM FOR CERTAIN
9 CHILDREN

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 543.001. DEFINITIONS. In this chapter:

12 (1) "Commission" means the Health and Human Services
13 Commission.

14 (2) "Eligible child" means:

15 (A) a child receiving educational services under
16 the supervision of the Texas Juvenile Justice Department;

17 (B) a child in the managing conservatorship of
18 the Department of Family and Protective Services;

19 (C) a child who is eligible to participate in the
20 Head Start program as defined by Chapter 72, Human Resources Code;

21 (D) a student described by Section 29.916(a)(1),
22 Education Code;

23 (E) a child with an intellectual disability; and

24 (F) any other child to whom the executive

1 commissioner is able to extend program access after prioritizing
2 access for children described by Paragraphs (A)-(E).

3 (3) "Executive commissioner" means the executive
4 commissioner of the Health and Human Services Commission.

5 (4) "Program" means the opportunity and assistance
6 program established under this chapter.

7 Sec. 543.002. GIFTS, GRANTS, AND DONATIONS. The commission
8 may solicit and accept gifts, grants, and donations from any public
9 or private source for the purposes of this chapter.

10 Sec. 543.003. REPORT TO GOVERNOR AND LEGISLATURE. Not
11 later than December 1 of each even-numbered year, the commission
12 shall submit a report to the governor and members of the legislature
13 regarding the program and activities of program participants.

14 Sec. 543.004. RULES. The executive commissioner may adopt
15 rules necessary to implement this chapter.

16 SUBCHAPTER B. PROGRAM ADMINISTRATION, OPPORTUNITIES, AND
17 ASSISTANCE

18 Sec. 543.051. PROGRAM ESTABLISHMENT. The executive
19 commissioner by rule shall establish and administer the opportunity
20 and assistance program to provide character development
21 opportunities, career advancement assistance, access to University
22 Interscholastic League sponsored activities, and counseling and
23 wellness services to eligible children.

24 Sec. 543.052. ADMINISTRATION OF PROGRAM. (a) The
25 executive commissioner shall:

26 (1) adopt rules as necessary to administer the
27 program; and

1 (2) work collaboratively with school districts, the
2 University Interscholastic League, and other local authorities as
3 necessary to fulfill the commission's duties under this chapter.

4 (b) In developing the program, the executive commissioner
5 may partner with online and local providers to offer program
6 participants the character development opportunities and career
7 advancement assistance described by Sections 543.053 and 543.054.

8 Sec. 543.053. CHARACTER DEVELOPMENT OPPORTUNITIES. The
9 program must include character development opportunities designed
10 to promote and assist program participants in developing the
11 character qualities of:

12 (1) courage;

13 (2) trustworthiness, including honesty, reliability,
14 punctuality, and loyalty;

15 (3) integrity;

16 (4) respect and courtesy;

17 (5) responsibility, including accountability,
18 diligence, perseverance, and self-control;

19 (6) fairness, including justice and freedom from
20 prejudice;

21 (7) caring, including kindness, empathy, compassion,
22 consideration, patience, generosity, and charity;

23 (8) good citizenship, including patriotism, concern
24 for the common good and the community, and respect for authority and
25 the law;

26 (9) gratitude; and

27 (10) teamwork, good sportsmanship, and perseverance

1 learned through participation in competitive or professional
2 extracurricular activities.

3 Sec. 543.054. CAREER ADVANCEMENT ASSISTANCE. The program
4 must include opportunities designed to assist program participants
5 in general career advancement. The opportunities must include:

6 (1) training and information on where program
7 participants can obtain affordable and local access to career and
8 technical skills courses; and

9 (2) instruction or access to instruction on general
10 skills including:

11 (A) constructing a resume;

12 (B) interviewing for a job;

13 (C) managing finances;

14 (D) constructing and following a realistic and
15 consistent schedule;

16 (E) managing finances, work, family, and mental
17 health in times of personal, community, or global crisis;

18 (F) finding and obtaining higher education
19 financial aid opportunities; and

20 (G) skills learned through participation in
21 competitive extracurricular activities that could be used as a
22 career path for the program participant or could be used to obtain
23 higher education financial aid opportunities for the program
24 participant.

25 Sec. 543.055. ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE
26 ACTIVITIES. (a) In order to maximize access to character
27 development opportunities and career advancement assistance

1 described by Sections 543.053 and 543.054, the executive
2 commissioner, in collaboration with school districts and the
3 University Interscholastic League, shall facilitate access to
4 University Interscholastic League activities for all program
5 participants described by Sections 543.001(2)(A)-(E) and for as
6 many program participants described by Section 543.001(2)(F) as can
7 reasonably be accommodated. A school district and the University
8 Interscholastic League may not prohibit a program participant who
9 is otherwise eligible to participate in a league activity from
10 participating in the activity in substantially the same manner as a
11 student enrolled at a school in the school district.

12 (b) Except as provided by Subsection (g), a public school
13 that participates in an activity sponsored by the University
14 Interscholastic League shall provide a program participant
15 described by Section 543.001(2)(D) who otherwise meets league
16 eligibility standards to represent that school in a league activity
17 with the opportunity to participate in the activity on behalf of the
18 school in the same manner that the school provides the opportunity
19 to participate to students enrolled in the school.

20 (c) A program participant described by Section
21 543.001(2)(D) who seeks to participate or participates in a league
22 activity on behalf of a school is subject to the policies regarding
23 registration, age eligibility, fees, insurance, transportation,
24 physical condition, qualifications, responsibilities, event
25 schedules, standards of behavior, and performance that apply to
26 students enrolled in the school.

27 (d) The parent or person standing in parental relation to a

1 program participant described by Section 543.001(2)(D) is
2 responsible for oversight of academic standards relating to the
3 participant's participation in a league activity. As a condition
4 of eligibility to participate in a league activity during the first
5 six weeks of a school year, a program participant described by
6 Section 543.001(2)(D) must demonstrate grade-level academic
7 proficiency on any nationally recognized, norm-referenced
8 assessment instrument, such as the Iowa Test of Basic Skills,
9 Stanford Achievement Test, California Achievement Test, or
10 Comprehensive Test of Basic Skills. The program participant
11 demonstrates the required academic proficiency by achieving a
12 composite, core, or survey score that is within the average or
13 higher than average range of scores, as established by the
14 applicable testing service. For purposes of this subsection, a
15 school district shall accept assessment results administered or
16 reported by a third party.

17 (e) The demonstration of academic proficiency under
18 Subsection (d) of a program participant described by Section
19 543.001(2)(D) is sufficient for purposes of that subsection for the
20 school year in which the participant achieves the required score
21 and the subsequent school year.

22 (f) After the first six weeks of a school year, the parent or
23 person standing in parental relation to a program participant
24 described by Section 543.001(2)(D) participating in a league
25 activity on behalf of a public school must periodically, in
26 accordance with the school's grading calendar, provide written
27 verification to the school indicating that the participant is

1 receiving a passing grade in each course or subject being taught.

2 (g) A program participant described by Section
3 543.001(2)(D) is not authorized by this section to participate in a
4 league activity during the remainder of any school year during
5 which the participant was previously enrolled in a public school.

6 (h) The University Interscholastic League may not prohibit
7 a program participant described by Section 543.001(2)(D) from
8 participating in league activities in the manner authorized by this
9 section.

10 (i) With respect to the education program of a program
11 participant described by Section 543.001(2)(D), nothing in this
12 section shall be construed to permit an agency of this state, a
13 public school district, or any other governmental body to exercise
14 control, regulatory authority, or supervision over the participant
15 or a parent or person standing in parental relation to the
16 participant beyond the control, regulatory authority, or
17 supervision required to participate in a league activity.

18 (j) Subject only to eligibility requirements under this
19 section for a program participant described by Section
20 543.001(2)(D) to participate in a league activity:

21 (1) the curriculum or assessment requirements,
22 performance standards, practices, or creed of the education program
23 provided to a program participant described by Section
24 543.001(2)(D) may not be required to be changed in order for the
25 participant to participate in a league activity; and

26 (2) for a program participant described by Section
27 543.001(2)(D) participating in an education program on January 1,

1 2021, the education program provided to that participant may not be
2 required to comply with any state law or agency rule relating to
3 that education program unless the law or rule was in effect on
4 January 1, 2021.

5 Sec. 543.056. COUNSELING AND WELLNESS SERVICES. (a) The
6 executive commissioner shall develop partnerships with local and
7 online health care providers and counseling services providers to
8 provide voluntary counseling and health services to program
9 participants who are not otherwise eligible for those services
10 under Medicaid or the child health plan program.

11 (b) The services described by Subsection (a) must include:

12 (1) voluntary testing services made available to a
13 program participant's parent or managing conservator to screen the
14 participant for infection from common childhood diseases;

15 (2) general counseling services designed to help a
16 program participant process emotions brought on by unexpected and
17 destabilizing changes in the participant's family and community;

18 (3) services for the prevention and treatment of
19 intellectual disabilities; and

20 (4) services to treat physical injuries caused by
21 participation in organized extracurricular sports through the
22 University Interscholastic League.

23 SECTION 2. The executive commissioner of the Health and
24 Human Services Commission shall adopt the rules necessary to
25 establish the program under Chapter 543, Government Code, as added
26 by this Act, beginning in the 2021-2022 school year.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2021.